

of paragraph S7.4, and each replaceable bulb headlamp shall meet the requirements of paragraph S7.5. Ballasts required to operate specific gas mixture light sources shall be included in the tests specified in paragraphs S8.1 and S8.4 though S8.7.

\* \* \* \* \*

Issued on: June 13, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-14847 Filed 6-16-95; 8:45 am]

BILLING CODE 4910-59-P

## 49 CFR Part 571

[Docket No. 95-42; Notice 1]

RIN 2127-AF67

### Federal Motor Vehicle Safety Standards; Seat Belt Assemblies; Child Restraint Systems

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to delete the colorfastness requirements for seat belt assemblies. The purpose of those requirements is to ensure that motorists are not discouraged from using safety belts out of a concern that the belts will transfer their coloring to motorists' clothing. NHTSA tentatively concludes that manufacturer concerns about public acceptance are sufficient by themselves to ensure that manufacturers will make their belts colorfast. Therefore, retention of the requirements is not necessary.

**DATES:** *Comment Dates:* Comments must be received by August 18, 1995.

*Proposed Effective Date:* If adopted, the proposed amendments would become effective 30 days following publication of the final rule.

**ADDRESSES:** Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (Docket Room hours are 9:30 a.m.-4 p.m., Monday through Friday.)

**FOR FURTHER INFORMATION CONTACT:** Mr. Clarke B. Harper, Office of Vehicle Safety Standards, NPS-12, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-4916.

**SUPPLEMENTARY INFORMATION:** Pursuant to the March 4, 1995 directive, "Regulatory Reinvention Initiative," from the President to the heads of departments and agencies, NHTSA has undertaken a review of all its

regulations and directives. During the course of this review, the agency identified several requirements and regulations that are potential candidates for rescission, including the colorfastness requirements in Standard No. 209, "Seat Belt Assemblies."

Standard No. 209 includes colorfastness requirements out of concern that occupants would be less likely to wear their seat belt if the webbing stained their clothing. Paragraphs S4.2 (g) and (h) of the Standard require seat belt webbing to resist transferring color to a wet or dry crock cloth and to resist staining (the colorfastness requirements). Test procedures to determine that the colorfastness requirements are met are found in S5.1 (g) and (h) of the Standard.

NHTSA tentatively concludes that market forces would be sufficient, in the absence of the current requirements, to encourage seat belt manufacturers to use webbing that will not stain clothing. The agency is not aware of any basis for believing that rescission of the colorfastness requirements would lessen colorfastness or safety. Therefore, NHTSA is proposing to delete the colorfastness requirements from Standard No. 209. NHTSA is also proposing to delete references to these requirements in Standard No. 213, "Child Restraint Systems."

### Rulemaking Analyses and Notices

#### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. NHTSA believes that there would be no gain or loss of safety benefits from Standards Nos. 209 and 213 as a result of rescission of the colorfastness requirements. Manufacturers may have a very minor cost savings (approximately \$50 per test) as they will no longer have to certify compliance with these requirements.

#### *Regulatory Flexibility Act*

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities.

As explained above, NHTSA does not anticipate that this proposal will significantly economically impact small manufacturers, or small entities that purchase safety belts or vehicles.

#### *Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96-511), there are no requirements for information collection associated with this proposed rule.

#### *National Environmental Policy Act*

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

#### *Executive Order 12612 (Federalism)*

NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

#### *Civil Justice Reform*

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

#### **Submission of Comments**

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including

purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, it is proposed that 49 CFR part 571 be amended as follows:

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

##### § 571.209 [Amended]

2. Section 571.209 would be amended by removing S4.2(g), S4.2(h), S5.1(g) and S5.1(h).

3. Section 571.213 would be amended by revising S5.4.1(b) to read as follows:

##### § 571.213 Standard No. 213; Child restraint systems.

\* \* \* \* \*

S5.4.1 \* \* \*

(b) Meet the requirements of S4.2 (e) and (f) of FMVSS No. 209 (§ 571.209); and

\* \* \* \* \*

Issued on: June 14, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

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BILLING CODE 4910-59-P

#### 49 CFR Part 571

[Docket No. 95-48; Notice 1]

RIN 2127-AF71

#### Federal Motor Vehicle Safety Standards; Wheel Nuts, Wheel Discs, and Hub Caps

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** NHTSA proposes to rescind Federal Motor Vehicle Safety Standard No. 211, *Wheel Nuts, Wheel Discs, and Hub Caps*. This proposed action is part of NHTSA's efforts to implement the President's Regulatory Reinvention Initiative to remove unnecessary regulations. The agency has tentatively concluded that Standard No. 211 is unnecessarily design-restrictive. Moreover, to the extent that there are safety concerns in this area, the agency believes they are more appropriately addressed by State laws concerning vehicle use than by a Federal motor vehicle safety standard.

**DATES:** Comments must be received on or before August 3, 1995.

**ADDRESSES:** Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to: Docket Section, Room 5109, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested, but not required, that 10 copies of the comments be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Ms. Margaret Gill, Office of Vehicle Safety Standards, Office of Rulemaking, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. Ms. Gill's telephone number is (202) 366-6651. The FAX number is (202) 366-4329.

#### SUPPLEMENTARY INFORMATION:

##### President's Regulatory Reinvention Initiative

Pursuant to the March 4, 1995 directive "Regulatory Reinvention Initiative" from the President to the heads of departments and agencies,

NHTSA has undertaken a review of its regulations and directives. During the course of this review, NHTSA identified certain regulations that could be rescinded as unnecessary. Among these regulations is Federal Motor Vehicle Safety Standard No. 211, *Wheel Nuts, Wheel Discs, and Hub Caps* (49 CFR 571.211). After a background review, NHTSA explains why it believes Standard No. 211 is unnecessary, and thus proposes to rescind the Standard.

#### Background

Standard No. 211 was issued in 1967 (32 FR 2408) as one of the initial Federal Motor Vehicle Safety Standards. Since Standard No. 211 applies to motor vehicles and motor vehicle equipment, both vehicle manufacturers and manufacturers of motor vehicle equipment must meet the requirements of Standard No. 211. For many years, Standard No. 211 prohibited all wheel nuts, wheel discs, and hub caps (referred to generically hereafter as "hub caps") that incorporate "winged projections," based on a concern that such projections can pose a hazard to pedestrians and cyclists.

On January 15, 1993, NHTSA published in the **Federal Register** (58 FR 4582) a final rule amending Standard No. 211 to permit "winged projections" on hub caps if, when installed on a wheel rim, the projections do not extend beyond the plane of the wheel rim. NHTSA amended Standard No. 211 after concluding that "winged projections" that do not extend beyond the plane on hub caps do not compromise pedestrian or cyclist safety. Persons who are interested in a more detailed explanation for that conclusion are referred to the January 1993 final rule and the preceding notice of proposed rulemaking (57 FR 24207, June 8, 1992).

The rulemaking which culminated in the January 1993 amendment was initiated in response to a petition submitted by several hub cap manufacturers. After the amendment was published, however, NHTSA received information indicating that the amendment did not provide the regulatory relief that had been requested by the petitioners and anticipated by the agency in issuing the amendment.

John Russell Deane III, an attorney representing the petitioners, wrote to express concern about certain language in the preamble to the January 1993 final rule. NHTSA had stated:

The agency's intent [in the proposed regulatory text] was to prohibit winged hub caps only if, when the hub cap is installed on any wheel rim/axle combination on which the hub cap fits, the projections extend